

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CITIZENS OF WISCONSIN,
UNITED STATES OF AMERICA, ex rel.,
ALAN DAVID MCCORMACK,
CITIZENS FOR EQUAL JUSTICE,

Plaintiffs,

v.

RICK RAEMISCH, Secretary;
WISCONSIN DEPARTMENT OF CORRECTIONS;
ALL NAMED AND UNNAMED WARDENS,
SUPERINTENDENTS, DIRECTORS,
ADMINISTRATORS, AGENTS AND DESIGNEES,
et al.;

Defendants.

ORDER

09-cv-574-slc

Plaintiff Alan David McCormack, a prisoner at the Fox Lake Correctional Institution in Fox Lake, Wisconsin, has submitted a proposed complaint on his own behalf and purportedly on behalf of the citizens of Wisconsin, the United States of America and Citizens for Equal Justice. Plaintiff McCormack has not paid the \$350 fee for filing a new action or submitted a copy of his six-month trust fund account statement. Therefore, I construe the complaint to include a request for leave to proceed *in forma pauperis* on his behalf. A decision on the request will be delayed until plaintiff pays an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement with his complaint.

The complaint in this case was submitted on August 16, 2009. Plaintiff McCormack's trust fund account statement should cover the six-month period beginning approximately February 16, 2009 and ending approximately August 14, 2009. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2). Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send plaintiff's trust fund account statement to this court.

ORDER

IT IS ORDERED that plaintiff may have until October 14, 2009, in which to submit a trust fund account statement for the period beginning approximately February 16, 2009 and ending approximately August 14, 2009. If, by October 14, 2009, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 22nd day of September, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge